



सत्यमेव जयते

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2024.

#### GUJARAT BILL NO. 7 OF 2024.

#### A BILL

*further to amend the Gujarat Co-operative Societies Act, 1961.*

It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows: -

1. (1) This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 2024.  
(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and  
commencement.

- Guj. X of 1962. 2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as “the principal Act”), in section 2, -

Amendment of  
section 2 of  
Guj. X of 1962.

- (i) after clause (7A), the following clauses shall be inserted, namely:-

“(7B) “co-operative housing society” means —

- (i) a society, the object of which is to provide its members with open plots for housing, dwelling houses or flats and to provide its members common amenities and services;
- (ii) a society, the object of which is to allot the plots to its members to construct the dwelling unit or flats thereon or to allot the dwelling units already constructed and where land is held either on lease hold or free hold basis by the society and houses are owned or to be owned by the members;

(iii) a society, the object of which is to allot the flats already constructed or to be constructed to its members and where both land and building or buildings are held either on freehold or lease-hold basis by the society;

(7C) “co-operative housing service society” means a society formed by the owners of flats in a building for the purpose of maintenance of the building and provision of common amenities and services;

(ii) after clause (10), the following clause shall be inserted, namely:-

(10A) “flat” means block, chamber, dwelling unit, apartment, office, showroom, shop, godown, premises, suit, tenement, unit or by any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in building or on a plot of land, used or intended to be used for any residential or commercial use such as residence, office, shop, showroom or godown or for carrying on any business, occupation, profession or trade, or for any other type of use ancillary to the purpose specified;”.

**Amendment of section 6 of Guj. X of 1962.**

3. In the principal Act, in section 6, in sub-section (1), after the words and brackets “persons (each of such persons being a member of different family)”, the words and brackets “and in case of co-operative housing society or co-operative housing service society at least eight persons (each of such persons being a member of different family)” shall be inserted.

**Amendment of section 8 of Guj. X of 1962.**

4. In the principal Act, in section 8, in sub-section (2), -

(i) in clause (a), the word “and” occurring at the end shall be deleted.

(ii) after clause (a), the following clause shall be inserted, namely: -

“(aa) in case of co-operative housing society or co-operative housing service society, at least eight persons (each of such persons being a member of different family) who are qualified under this Act, and”

**Amendment of section 67A of Guj. X of 1962.**

5. In the principal Act, in section 67A, in the second proviso to sub-section (4), for the words “of the State Government”, the words “of such authority as may be specified by the State Government, by notification in the *Official Gazette*” shall be substituted.

**Amendment of section 110 of Guj. X of 1962.**

6. In the principal Act, in section 110, in clause (e), after the words, “arising out of such claims”, the words “as may be prescribed” shall be inserted.

**Amendment of section 114 of Guj. X of 1962.**

7. In the principal Act, in section 114, -

(i) in sub-section (1), for the words “unless the period is extended by the Registrar”, the words “unless the period is extended by the Registrar or, as the case may be, the State Government” shall be substituted;

(ii) for the proviso to sub-section (1), the following proviso shall be substituted, namely: -

“Provided that, the Registrar shall not grant any extension for a period exceeding one year at a time and five years in the aggregate.”

(iii) after the existing proviso, the following provisos shall be inserted, namely: -

“Provided further that the State Government may grant extension after the expiry of ten years from the date of the order for winding up of the society:

Provided also that the State Government shall not grant any extension for a period exceeding two years at a time.”.

8. In the principal Act, after section 159, the following section shall be inserted, namely: -

Transfer fee for  
co-operative  
housing society and  
co-operative  
housing service  
society.

“159A. A co-operative housing society or, as the case may be, a co-operative housing service society shall not collect transfer fee more than the transfer fee as may be prescribed.”.

Insertion of  
new section  
159A in  
Guj. X of 1962.

### STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Co-operative Societies Act, 1961, relating to co-operative societies in the State of Gujarat. After the said Act came into force amendments have been made therein many a times. However, in order to see that the administration and the management of the co-operative societies is run still in a better way and the interests of the members of the society are protected, it is considered necessary to make certain amendments in the Act.

*Clause 2* of the Bill provides for amendment in section 2 to define co-operative housing society, co-operative housing service society and flat.

*Clause 3* of the Bill provides for amendment in section 6 enabling to register a co-operative housing or a co-operative housing service society by eight persons.

*Clause 4* of the Bill provides for amendment in section 8 enabling to application for registration of a co-operative housing or a co-operative housing service society by eight persons.

*Clause 5* of the Bill provides for amendment in section 67A, which provides for such authority as may be notified by the State Government for approval for use of Bad Debt fund of the society.

*Clause 6* of the Bill provides for amendment to clause (e) of section 110.

*Clause 7* of the Bill provides for amendment to section 114, which provides for extension of time limit to complete winding up proceedings of a society.

*Clause 8* of the Bill provides for insertion of new section 159A for the transfer fees for co-operative housing/ co-operative housing service societies.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

**JAGDISH VISHWAKARMA,**

### MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of Legislative powers in the following respects:-

*Clause 1.* - Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

*Clause 5.* - The second proviso to sub-section (4) of section 67A proposed to be amended by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the authority of which the previous sanctioned shall be required to write off the bad debt or loss.

*Clause 6.* - This clause empowers the State Government to prescribe by rules, the priority of payment of dues in case of liquidation of a society.

**Clause 8.** – New section 159A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the transfer fees for co-operative housing societies or co-operative housing service societies.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 26<sup>th</sup> February, 2024.

**JAGDISH VISHWAKARMA.**

By order and in the name of the Governor of Gujarat,

**K. M. LALA,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 26<sup>th</sup> February, 2024.

Legislative and Parliamentary Affairs Department.

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